

REMARKS/ARGUMENTS

Claims 1-10 and 12 are pending upon entry of this amendment. Applicant amends claim 1 and claim 10, cancels claim 11 and adds new claim 12.

Support for Amendments

Applicant has amended claim 1 to recite that the elastic band of the present invention is “endless”. Support for an endless elastic band is found throughout the Specification and Drawings as originally filed. For example, **FIG. 1** as originally filed depicts a peritoneal dialysis security band including an endless elastic band. Also, a particular configuration of the peritoneal dialysis security band is described on page 6, lines 19-20. The passage states, “The elastic fabric is cut to the desired size and the opposing ends are sewn together or irreversibly affixed to form a non-detachable elastic band.” Thus, sewing the opposing ends together results in an endless band.

Applicant has amended method claim 10 to add the following elements:

“providing the peritoneal dialysis security band according to claim 1; stretching said elastic band; inserting a portion of an individual’s body through said elastic band; sliding said security band along said individual’s body ending at about the waist or hips of said individual; and releasing said elastic band”

Applicant has added new dependent claim 12 to include that a portion of the individual’s body may be inserted through the elastic band prior to stretching the elastic band.

Support for the added elements may be found throughout the specification as originally filed. For example, on page 5, lines 14-18 recite,

“The security band **10** may be placed about the patient’s waist by stretching the elastic band **11**, inserting the patient’s legs through elastic band **11**, sliding the security band **10** upwards along and about the patient’s legs ending at about the waist or hips of the patient and releasing the elastic band **11**.”

Applicant's Claimed Invention Is Not Anticipated Under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1- 6 and 8-11 under 35 USC § 102(b) as allegedly being anticipated by Blair (US 5,304,145), Chandler (US 5,468,229) (Column 2, line 25), Bennes et al (US 5,853,396), Sutherland et al (US 6,126,639) (Column 3, Line 58), Lee (6,436,074) (Column 3, Line 26) and McDaniel (US 6,544,232). The Examiner alleges the cited references disclose a peritoneal dialysis security band comprising an elastic band that is continuous, a catheter retaining pocket positioned along a portion of said elastic band, wherein said pocket is able to accept a catheter.

Applicant's invention is not anticipated by the cited references as originally filed or prior to amendment. However to expedite allowance, Applicant has amended Independent claim 1 to include the recitation that the elastic band be endless. Claims 2-6 and claims 8-10 depend from claim 1. Claim 11 has been cancelled. The cited references do not disclose a peritoneal dialysis security band including an endless elastic band, wherein the elastic band is continuous; and a catheter retaining pocket positioned along a portion of the elastic band, wherein the pocket is able to accept a catheter. Thus Applicant respectfully requests the rejections be withdrawn.

Applicant has also amended method claim 10 to newly recite,

“providing the peritoneal dialysis security band according to claim 1; stretching said elastic band; inserting a portion of an individual's body through said elastic band; sliding said security band along said individual's body ending at about the waist or hips of said individual”

The references cited by the Examiner do not disclose a method of retaining an external portion of an implanted dialysis catheter including providing the peritoneal dialysis security band according to claim 1; stretching the elastic band; inserting an individual's body through the elastic band; sliding the security band along the individual's body ending at about the waist or hips of the individual; and inserting the external portion of a peritoneal dialysis catheter in the catheter retaining pocket. Thus, Applicant respectfully requests the rejections be withdrawn.

Applicant's Invention Is Not Obvious Under 35 U.S.C. 103(a) over Blair, Chandler, Bennes et al, Sutherland et al, Lee and McDaniel

The Examiner has rejected Claim 7 under 35 USC § 103(a) as being obvious over Blair, Chandler, Bennes et al, Sutherland et al, Lee and McDaniel. The Examiner alleges it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the band from about 3 to 6 inches in width.

Applicant's invention is not obvious in view of the cited references, alone or in combination, as originally filed or prior to amendment. However to expedite allowance, Applicant has amended Independent Claim 1 to include the recitation that the elastic band be endless. Claim 7 depends from claim 1. As provided above, the cited references do not disclose an endless elastic band, wherein the elastic band is continuous; and a catheter retaining pocket positioned along a portion of the elastic band, wherein the pocket is able to accept a catheter. Thus Applicant respectfully requests the rejections be withdrawn.

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Respectfully submitted,



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